IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4007 OF 2005

Sunil Pulchand Lihinar ..Petitioner.

Versus

Sangeeta Sunil Lihinar ..Respondent.

Mr. S.C. Naidu for the Petitioner.
Mr. G.S. Vaidya for the Respondent.

CORAM : S. A. BOBDE, J.
DATED : 26TH OCTOBER, 2005.

P.C.:

1. The petitioner has challenged the order of the Family Court, striking of his defence for not submitting his say/ reply to the application for maintenance. The Family Court has come to the conclusion that the petitioner has adopted dilatory tactics.

2. Having regard to the nature of the matter, which is matrimonial, I am of view that the impugned order, striking out the petitioner's defence should be set aside on the petitioner's paying to the respondent a sum of Rs.5000/- and on the petitioner's submitting an undertaking to this court within a period of one

week from today that he shall appear before the Family Court in person or through an Advocate on 16.11.2005.

3. The trial Court is directed to decide the matter as expeditiously as possible.

DT. 26.10.05 (S.A.BOBDE,J)

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